

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT L. GARBER, on behalf of :
himself and all others similarly situated, :
 :
Plaintiff, :
 :
vs. : **Civil Action No. 1:07-cv-11422-UA**
 :
WASHINGTON MUTUAL, INC., *et al.*, :
 :
Defendants. :
-----X

JOEL ABRAMS, *et al.*, on behalf of :
themselves and all others similarly situated, :
 :
Plaintiffs, :
 :
vs. :
 :
WASHINGTON MUTUAL, INC., *et al.*, : **Civil Action No. 1:07-cv-09806-AKH**
 :
Defendants. :
-----X

DENNIS KOESTERER, on behalf of :
himself and all others similarly situated, :
 :
Plaintiff, :
 :
vs. :
 :
WASHINGTON MUTUAL, INC., *et al.*, : **Civil Action No. 1:07-cv-09801-CM**
 :
Defendants. :
-----X

NOTICE OF MOTION

TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to § 21D(a)(3)(B) of the Securities Exchange Act of 1934, upon the accompanying (1) Declaration of Peter D. St. Phillip, Jr. and the exhibits thereto, (2) Declaration of Keith M. Snow; and (3) the Memorandum of Law in Support of the New York City Police and Fire Pension Funds' Motion For Consolidation, For Appointment as Lead Plaintiff, and Approval of Lead Plaintiff's Selection of Lead Counsel in the captioned actions, the New York City Police and Fire Pension Funds will move before the Honorable Colleen McMahon, Courtroom 21B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 640, New York, New York 10007 on such date as the Court may direct, for an Order in the form submitted herewith appointing the New York City Police and Fire Pension Funds as Lead Plaintiff and approving its choice of counsel, Lowey Dannenberg Cohen, P.C., as

Lead Counsel for the plaintiffs and the putative class.

Date: January 4, 2008

LOWEY DANNENBERG COHEN, P.C.

By: /s/ Peter D. St. Phillip, Jr.
Richard W. Cohen (RC-5220)
David C. Harrison (DH-3834)
Peter D. St. Phillip, Jr. (PS-0726)
Thomas Skelton (TS-7908)

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*Counsel for the NYC Police and Fire Pension
Funds and [Proposed] Lead Counsel for Plaintiff
Class*